

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RENEE BISHOP-MCKEAN,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,

Defendant.

CASE NO. 3:20-CV-5416-JLR-DWC

ORDER GRANTING EXTENSION
AND SETTING BRIEFING
SCHEDULE

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Before the Court is plaintiff's motion for an extension of time to file her cross-motion for summary judgment. Dkt. 115.

The Court recently denied the parties' pending cross-motions for summary judgment as moot and permitted the parties to file amended motions on or before November 26, 2021. Dkt. 110. On December 1, 2021, plaintiff submitted a letter stating that she could not meet the deadline to file her cross-motion due to a lack of access to her legal materials. Dkt. 115. On

1 December 2, 2021, plaintiff filed her cross-motion. Dkt. 116. The Court therefore construes
2 plaintiff's letter as a motion for leave to file her cross-motion after the deadline.

3 A court may modify a deadline for good cause. Fed. R. Civ. P. 6(b). Continuing pretrial
4 and trial dates is within the discretion of the trial judge. *See King v. State of California*,
5 784 F.2d 910, 912 (9th Cir. 1986). The Court find that good cause exists to permit plaintiff's late
6 filing and therefore GRANTS plaintiff's motion for an extension insofar as her cross motion will
7 be deemed timely filed.

8 The Court notes that plaintiff's submission includes 60 pages of argument, including a
9 response to defendants' motion for summary judgment. Dkt. 116 at 1–54.6. While the Court
10 approves of the consolidation of the briefing on the parties' cross-motions, plaintiff's brief is
11 overlength: pursuant to LCR 7(e)(3), summary judgment motions and responses may be 24 pages
12 each—for a combined total of 48 pages. The Court will accept plaintiff's overlength briefing, but
13 cautions plaintiff to be mindful of the Court's page limits (including the 12-page limit for reply
14 memoranda) going forward.

15 Finally, the Court finds that the parties' cross-motions for summary judgment should be
16 considered together, and that efficiency would be served by a consolidated briefing schedule
17 providing for combined memoranda on the parties' motions. *See* LCR 7(k) (the court may order
18 combined memoranda on cross-motions). The Court therefore sets forth below a schedule
19 consolidating the remaining briefing of the parties' cross-motions, which also takes into account
20 the upcoming holidays.

21 The Court therefore ORDERS as follows:

- 22 (1) Plaintiff's motion for extension (Dkt. 115) is GRANTED in that plaintiff's late-
23 filed cross-motion for summary judgment shall be accepted;

(2) The noting date and briefing schedule on the parties' cross-motions for summary judgment is amended as follows:

- (a) On or before January 3, 2022, defendants shall file a memorandum combining their reply in support of their motion for summary judgment and a response to plaintiff's motion for summary judgment. In light of plaintiff's overlength briefing, defendants' combined memorandum may be up to 48 pages;
- (b) On or before January 7, 2022, plaintiff may file a reply in support of her cross-motion for summary judgment, which may not exceed 12 pages; and
- (c) The Clerk is directed to renote defendants' amended motion for summary judgment (Dkt. 112) and plaintiff's cross-motion for summary judgment (Dkt. 116) for January 7, 2022.

Dated this 9th day of December, 2021.



David W. Christel
United States Magistrate Judge